IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13497 of 2004

Between:

M. Krishna S/o M. Someshwara Rao
R/o Nallajerla (Post & Mandal) Near Shivalayam,

West Godavari District

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation, rep by its Vice Chairman & Managing Director, Mushirabad, Hyderabad
2 The Divisional Manager, Andhra Pradesh State road Transport Corporation, Tanuku Division, West Godavari District.
3 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Tanuku Depot, Tanuku, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly one in the nature of writ of Mandamus or any other appropriate Writ declaring the action of the respondents in retiring the petitioner from service vide proceedings No. P1/469(2)/2001-TNK, dated 8-8-2002 without following the provisions under Section 47 of Act 1 of 1996 is illegal and arbitrary; and consequently direct the respondent-corporation to continue the petitioner in service with the same scale of pay and other service benefits.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: MR.VENKATESWARLU POSANI

SC for A.P.S.R.T.C.

The Court at the admission stage made the following:

ORAL ORDER:

The Petitioner worked as a Driver in the respondents-Corporation. He was retired on medical ground due to defective eye vision through order dated 8-8-2002 passed by the 3rd respondent-Depot Manager. In the said order, it is mentioned that the petitioner cannot be provided with an alternative post.

The learned Counsel for the petitioner represented that the respondents did not take into consideration Section 47 of the Act 1 of 1996, Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. The learned Counsel for the petitioner also submitted that a Division Bench of this High Court in W.A. 1061 of 2000, dated 12-3-2001, in similar case, directed the respondent-Corporation to consider to employ the said petitioner who became disabled under the provisions of Act 1 of 1996.

In view of Section 47 of the Act 1 of 1996, the respondents are directed to pass appropriate orders regarding the employment of the petitioner in a suitable post, within two months from the date of receipt of a copy of this order, and communicate the same to the petitioner.

The Writ Petition is accordingly disposed of. No costs.

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2-08-2004

es/mjl

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Mushirabad, Hyderabad
2 The Divisional Manager, Andhra Pradesh State Road Transport Corporation, Tanuku Division, West Godavari District.
3 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Tanuku Depot, Tanuku, West Godavari District.

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